

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
3 *JASON F. CARR
Assistant Federal Public Defender
4 Nevada State Bar No. 06587
411 E. Bonneville Ave., Ste. 250
5 Las Vegas, Nevada 89101
6 (702) 388-6577
Jason_Carr@fd.org
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8 *Attorney for Petitioner **Matthew Washington**

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 MATTHEW WASHINGTON,

12 Petitioner,

13 v.
14

15 WILLIAM GITTERE, WARDEN et al.,

16 Respondents.
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Case No. 2:19-cv-00614-RFB-BNW

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE A
SECOND AMENDED PETITION
FOR WRIT OF HABEAS CORPUS**

(Third Request)

1 COMES NOW, **Petitioner Matthew Washington**, by and through his
2 counsel of record **Jason F. Carr**, Assistant Federal Public Defender, hereby moves
3 this Court for an enlargement of time of sixty-three days—from February 25, 2020,
4 to April 28, 2020—to file a Second Amended Petition for Writ of Habeas Corpus.

5 On May 28, 2019, this Court issued an order provisionally appointing the Office
6 of the Federal Public Defender to represent Petitioner Washington. (*See* ECF No. 7.).
7 On June 13, 2019, counsel entered his appearance. (*See* ECF No. 12).

8 On June 17, 2019, this Court accepted Washington's First Amended Petition,
9 envisioned by counsel to be a protective petition, and granted Washington's request
10 to file a Second Amended Petition. (*See* ECF No. 14; *see also* ECF No. 15 (First
11 Amended Petition).) The June 17, 2019 Order allowed counsel until October 15, 2019
12 to make that filing. Washington then requested extensions to February 25, 2020.

13 In this unopposed Motion, Washington seeks a final sixty-three extension of
14 time thereby rendering his Second Amended Petition due on **April 28, 2020**.

15 Washington submits this additional time is necessary in order to effectively
16 and thoroughly prepare this case. Counsel was unable to meet with Washington at
17 Ely State Prison until January 23, 2020, because of prison transfer issues and other
18 complications. That meeting disclosed further facts and investigative details that
19 counsel is currently exploring.

20 In fact, on this day, February 25, 2020, counsel received witness information
21 that substantiates the need to fully explore whether Washington is innocent of the
22 Nevada charges of conviction. The Federal Public Defender has assigned an
23 investigator to the matter. The investigative phase of the litigation should conclude
24 in a reasonable amount of time.

25 Further, delay is reasonable because Washington is still litigating and
26 exhausting claims in state court. On September 23, 2019, a Clark County, Nevada,
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1 district court entered a final written order his post-conviction petition. Washington
2 appealed. His opening brief is due February 28, 2020.

3 On February 24, 2020, I contacted counsel for the Respondents, Erica Berrett,
4 Deputy Attorney General, regarding this motion. The State of Nevada does not object
5 to this request. The State, however, waives no other rights by extending this
6 professional courtesy. Petitioner's extension does not signify an implied basis for
7 tolling period of limitations or waiver of any other procedural defense. Petitioner at
8 all times remains responsible for calculating any limitations periods and understands
9 that, in granting an extension request, the Court makes no finding or representation
10 that the petition, any amendments thereto, and/or any claims contained therein are
11 not subject to dismissal as untimely.

12 Washington submits this motion in the interests of justice in order to assure
13 counsel has adequate time to fully investigate Washington's Nevada convictions. I
14 respectfully request that this Court grant the request for an extension of time to file
15 Washington Second Amended Petition for Writ of Habeas Corpus to **April 28, 2020**,
16 to ensure the effective and thorough representation of Mr. Washington.

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1 Dated: February 25, 2020.
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3 Respectfully submitted,

4 Rene L. Valladares
5 Federal Public Defender

6 /s/ *Jason F. Carr*
7 JASON F. CARR
8 Assistant Federal Public Defender

9 IT IS HEREBY **ORDERED** THAT PETITIONER WASHINGTON'S REQUEST
10 FOR AN EXTENSION OF TIME IS **GRANTED**. PETITIONER WASHINGTON
11 SHALL FILE HIS SECOND AMENDED PETITION NO LATER THAN **APRIL 28,**
12 **2020.**

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15 RICHARD F. BOULWARE, II
16 UNITED STATES DISTRICT JUDGE

17 DATED this 26th day of February, 2020.
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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: **Deputy Attorney General Erica Berrett**

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing by First-Class Mail, postage pre-paid, or have dispatched it to a third-party commercial carrier for delivery within three calendar days, to the following non-CM/ECF participants:

Matthew Washington
No. 1061467
Ely State Prison
PO Box 1989
Ely, NV 89301

/s/ Adam Dunn

 An Employee of the
 Federal Public Defender